



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0189]

Agency Information Collection Activities; Renewal of an Approved Information

Collection: Hours of Service (HOS) of Drivers Regulations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, “Hours of Service (HOS) of Drivers Regulations.” The HOS regulations require a motor carrier to install, and requires each of its drivers subject to the record of duty status (RODS) rule to use, an electronic logging device (ELD) to report the driver’s RODS. The RODS is critical to FMCSA’s safety mission because it helps enforcement officials determine if commercial motor vehicle (CMV) drivers are complying with the HOS rules limiting driver on-duty and driving time and requiring periodic off-duty time.

DATES: Comments on this notice must be received on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting

“Currently under 30-day Review - Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue, SE, Washington, DC 20590, (202) 366-4225, MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Hours of Service (HOS) of Drivers Regulations.

OMB Control Number: 2126-0001.

Type of Request: Renewal of an information collection.

Respondents: Motor Carriers of Property and Passengers, Drivers of CMVs.

Estimated Number of Respondents: 4.24 million CMV drivers; 602,542 Motor Carriers.

Estimated Time per Response: CMV drivers using technology: 2 minutes. Motor Carriers: 2 minutes.

Expiration Date: July 31, 2022.

Frequency of Response: Drivers: 240 days per year; Motor carriers 240 days per year.

Estimated Total Annual Burden: 50.37 million hours.

Background:

CMV drivers are limited in how long they may remain in an on-duty or driving status over specified periods of time. The regulations outlining those limits are found at 49 CFR part 395 and are known as the “HOS regulations.” The HOS regulations require a motor carrier to install, and requires each of its drivers subject to the RODS rule to use, an ELD to report the driver’s RODS. These RODS are used to enforce compliance with the HOS regulations.

As a condition of receiving certain federal grants, States agree to adopt and enforce the Federal Motor Carrier Safety Regulations, including the HOS regulations, as State law. As a result, State enforcement inspectors use the RODS and supporting

documents to determine whether CMV drivers are complying with the HOS regulations. In addition, FMCSA uses the RODS during on-site and offsite investigations of motor carriers and Federal and State courts rely upon the RODS as evidence of driver and motor carrier violations of the HOS regulations. This information collection supports DOT's Strategic Goal of Safety because the information helps the agency ensure the safe operation of CMVs in interstate commerce.

Renewal of This Information Collection (IC)

The current IC burden estimate of the HOS rules, approved by OMB on July 31, 2019, is 41.04 million hours. The expiration date of the current ICR is July 31, 2022. Through this ICR renewal, FMCSA requests a revision of the paperwork burden of 2126-0001. The Agency requests an increase in the burden hours from 41.04 million hours to 50.37 million hours. The increase is the result of the increase in estimated driver population as well as the increase in expected industry growth rate for drivers from 2020 to 2030. Two types of information are collected under this IC: (1) drivers' RODS commonly referred to as a logbook, and (2) supporting documents, such as gasoline and toll receipts, that motor carriers use to verify accuracy of RODS and document expense deductions for income tax filing purposes. The use of ELDs reduces the driver's time to input duty status from 6.5 minutes to 2 minutes. This IC includes only the estimate of 2 minutes for drivers and motor carriers.

On March 18, 2022, FMCSA published a 60-day notice in the *Federal Register* requesting public comments on the proposed revision of this information collection (87 FR 15488). The Agency received comments filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers and their volunteers in support of this IC. The TSC wrote, "Our organizations strongly support FMCSA's continuation of the collection Record of Duty Status (RODS) records from Electronic Logging Devices (ELDs) as well as the supporting

documentation, to have the information needed to inform safety-oriented rulemaking and life-saving enforcement activities related to HOS.”

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA’s functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the information collected.

The Agency will summarize or include your comments in the request for OMB’s clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,
Associate Administrator,
Office of Research and Registration.